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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,576	03/22/2000	Peter W. Hamilton	7995	8660

27752 7590 07/06/2004

THE PROCTER & GAMBLE COMPANY  
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CINCINNATI, OH 45224

EXAMINER
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CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/532,576	<b>Applicant(s)</b> HAMILTON ET AL.	
	<b>Examiner</b> Alicia Chevalier	<b>Art Unit</b> 1772	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: 17,36-38,54 and 55.

Claim(s) rejected: 1-4,6-14,16,18,20-35,39,40,42-53,56 and 57.

Claim(s) withdrawn from consideration: 58-62.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

### **Continuation Sheet**

Continuation of 5. because: It remains the Examiner's position that the claims are unpatentable for reasons previously of record in the final office action, mailed June 3, 2004.

1. Claims 1-4, 6-14, 16-18, 20-40 and 42-62 are pending in the application, claims 58-62 are withdrawn from consideration. Claims 5, 15, 19 and 41 were cancelled.

### ***Response to Applicant's Arguments***

2. Applicant's arguments in the response filed June 21, 2004 regarding the 35 U.S.C. §103 rejection over Hamilton et al. (US Patent No. 5,662,758) in view of Hamilton et al. (US Patent No. 5,968,633) of record have been carefully considered but are deemed unpersuasive.

Applicant argues that porous material is positioned upon the front face of the film material. As pointed out in the previous Hamilton '633 discloses that the sheet material may be provided with two active sides of surfaces (*Hamilton '633 col. 3, lines 60-61 and figure 7*). In other words, the substance, which is an adhesive (*Hamilton '633 col. 2, line 37*), is on both the front face and the back face. Therefore, as previously argued, the examiner has deemed the side with the porous material to be the back surface. Since there is adhesive on both surfaces of Hamilton '633 it encompass Applicant's "adhesive, non-raised regions" disposed on the front face of the film and the "permeable substrate layer bonded to said back face of said film."

Applicant further argues that Hamilton '633 is directed to positioning a porous material over a substance, such as a cleansing agent. As Applicant has already pointed out, the cleansing

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cloth embodiment disclosed by Hamilton '633 is *only exemplary* (Hamilton '633 col. 13, lines 41-43). The embodiment in figure 10 discloses that the porous material overlies and protected the substance (Hamilton '633 col. 13, lines 21-22). Furthermore, Hamilton '633 discloses that the substance is an adhesive (Hamilton '633 col. 2, line 37) and references Hamilton '758 as representative materials for the sheet material in Hamilton '633 (Hamilton '633 col. 4, lines 33-39). Therefore, Applicant's argument that Hamilton '633 is not the same as providing a permeable substrate layer on the back surface of a film material where the front face of the film material is provided with a plurality of collapsible, non-adhesive protrusions is not persuasive.

3. Applicant's arguments in the response filed June 21, 2004 regarding the 35 U.S.C. §103 rejection over Hamilton (U.S. Patent No. 5,871,607) in view of Sorensen et al. (U.S. Patent No. 4,889,234) of record have been carefully considered but are deemed unpersuasive.

Applicant argues that there is no disclosure or teaching, much less a suggestion, to provide an adherent sheet material comprising at least one adhesive, non-raised region protected from inadvertent adherence to a contact surface by providing a plurality of collapsible, non-adhesive protrusions extending outwardly from the front face and providing the adhesive between the protrusions. Applicant is respectfully reminded that Sorensen is part of a 35 U.S.C. §103 rejection over Hamilton '607 in view of Sorensen. Also, it is noted that Hamilton '607 was relied upon to teach the limitations that Applicant argues Sorensen does not teach.

Furthermore, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

7/1/04

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

~~6/25~~ 7/1/04